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May 15, 2019

By CM/ECF

The Chambers of the Honorable Judge Barbara Moses
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 740
New York, NY 10007

Re: *Shih v. Petal Card, Inc., et al.*, No. 1:18-cv-05495-JFK-BCM

Dear Judge Moses,

I write on behalf of all parties to provide a joint status update as ordered by the Court, *see* Dkt. 62, and to request an adjournment of our upcoming May 22, 2019 status conference.

Discovery Status Update

Discovery in this case is proceeding apace. On February 15, the parties exchanged their first requests for document production and their initial interrogatories under Local Civil Rule 33.3. On March 22, the parties served their responses and objections. Since then, counsel have held several productive conversations to address the parties' respective objections to the first wave of document demands and interrogatories, and have exchanged several letters, in an effort to reach agreement on the scope of discovery at this stage of the case. We are making good progress and have resolved numerous objections. There are only a few remaining objections and we hope to resolve them without seeking judicial intervention.

In addition, the parties have conferred regarding ESI, agreed on an ESI collection and production protocol, and are currently completing document collection. We expect to begin review and production as soon as we reach agreement on the proper scope of discovery at this stage of the case, which we believe that we can achieve by mid-June.

Finally, third-party document discovery is proceeding. Specifically, Plaintiff issued seven third-party subpoenas on February 15, 2019, and reissued a second subpoena with respect to one of those third-party witnesses on April 2, 2019 due to difficulties with the effectuation of service. Each of the seven third party witnesses served responses and objections. Plaintiff has agreed to May or June production dates for six of the third-party witnesses. Plaintiff is working to resolve objections with the seventh witness for whom a subpoena was reissued and expects to reach agreement on a production date with that witness soon.

Request for Adjournment

Given the foregoing, the parties are satisfied with the pace of discovery so far and are in regular, productive communication as they seek to reach consensus. The parties therefore respectfully request that the status conference scheduled for May 22 be adjourned to mid-June, by which point we expect that any outstanding issues will either be resolved or ripe for the Court's attention. Counsel will be available on June 13, 14, and 18, if any of those dates are convenient for the Court. Should the Court grant an extension and an issue subsequently arise requiring the Court's attention, the parties will promptly advise the Court.

Neither party has previously requested an adjournment of this conference, and the requested adjournment will affect no other scheduled dates.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Joshua Matz', is written over a horizontal line.

Joshua Matz, Esq.

Kaplan Hecker & Fink LLP

Counsel for Defendants